

ORDINANCE NO. 46-433

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, GRANTING TO KIN NETWORK, INC., D/B/A ALLTEL COMMUNICATIONS, THE RIGHT AND PRIVILEGE TO CONSTRUCT, OPERATE, AND MAINTAIN A FIBER OPTIC TELECOMMUNICATION SYSTEM IN THE CITY OF WICHITA; AND PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO; INCORPORATING ORDINANCE NO. 43-504 AS AMENDED.

WHEREAS, by Ordinance No. 43-504, passed and approved June 17, 1997, the City of Wichita granted to KIN Network, Inc., the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City, and KIN Network, Inc., d/b/a ALLTEL Communications, has exercised its option to renew the rights granted under the ordinance for an additional five (5) year term; and

WHEREAS, KIN Network, Inc., d/b/a ALLTEL Communications, desires to amend its route in the City;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. This ordinance duplicates and incorporates herein all provisions of Ordinance No. 43-504, including the term of said Ordinance No. 43-504, except as specifically provided herein.

SECTION 2. The definition of "KINNET" or "Company" shall mean KIN Network, Inc., d/b/a ALLTEL Communications.

SECTION 3. Attachment "A" shall mean the route as described in Attachment "A" hereto, which replaces Attachment "A" to Ordinance No. 43-504.

SECTION 4. Ordinance No. 43-504 as incorporated into this ordinance shall remain in full force and effect until August 17, 2007. With the exercise of this first option, the Company retains an option to one additional five (5) year term under the provisions of Section 11 of Ordinance No. 43-504.

SECTION 5. Prior to the effective date of this ordinance, the Company shall file with the City Clerk of the City of Wichita its acceptance in writing of the provisions, terms and conditions of this ordinance, which acceptance shall be duly acknowledged before an officer authorized by law to administer oaths. When so accepted the ordinance and acceptance shall constitute a contract between the City and Company subject to the provisions of the laws of the state of Kansas.

SECTION 5. This ordinance shall be effective upon its final passage and publication once in the official City paper.

PASSED AND APPROVED by the governing body of Wichita, Kansas, this date January 4, 2005.

CARLOS MAYANS, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

GARY E. REBENSTORF, Director of Law

ATTACHMENT A:

ALLTELL route begins at 37th St and the Union Pacific railroad right-of-way. Route goes southwest along UP railroad and Missouri Pacific railroad right-of-way . Along the route, the fiber crosses: 29th street, 25th street, Washington, E 21st, Mead, E 18th street, E 17th street, E Arnold, N Topeka, E 16th street, E 15th street.

The rest of the route is all on city right-of-way and crosses the following streets: Going southwest from N Broadway, crossing the intersections of E 14th street, N Market, E 13th street, E 12th street, N Main, W 11th street, W 10th street.

Going south on N Wichita, crossing the intersections of W 9th street, W 8th street, N Wichita, W Murdock, W Pine, W Elm, W Central, W 3rd street, W 2nd street, W 1st street.

Going east on W 1st street from Wichita street, crossing the intersections of N Water, N Main and enters building at 155 N Market on 1st street between N Main and N Market.

The total length of the route is 7,499 feet,

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